# CP: Condo PICs Bad

## 1AR Shell

#### Interp: On the 2017 Jan/Feb topic, if the neg reads a CP that only restricts one type of speech, it must be unconditional.

**Violation: They read a condo PIC**

**The standard is ground—you scoop the whole aff I don’t have anything to weigh against the PIC because the aff needs to build itself to defend against any exception, which forces 1AR restart. But then you can shift out of 1AR offense by kicking the PIC causing a 13-3 time skew. Key to fairness I need arguments to win. Outweighs benefits of both conditionality and PICs on specificity—my interp allows you to get benefits of both of them in different rounds which mitigates neg offense but the combination is uniquely tough for the Aff. Also controls the internal link to clash—we never actually debate the CP if it can be kicked at any time. Multiple rounds, multiple advantage CPs, or Multiple Disads solve neg offense—no reason they need to steal the Aff.**

# CP: Solvency Advocate

## 1AR Shell

#### Interp: On the 2017 Jan/Feb topic, if the neg reads a CP that only restricts one type of speech, they must have a carded solvency advocate who explicitly advocates for public colleges and universities restricting that type of speech from a published article.

**Violation:**

**Prep Skew--** **the topic limits the aff to a general defense of all kinds of speech, not particular kinds of speech – PICs give the neg infinite different advocacies which create an infinite prep skew – they can evade all aff offense but force me to generate specific offense to an unlimited number of kinds of speech, which is an irresiprocal burden – it makes it much easier for the neg to win because they’ll be better prepped on their specific exceptions. A solvency advocate is a key check – it limits the number of possible PICs to those that people in the lit advocate for. On Public Colleges and Universities is also key—its different from saying it should be banned everywhere because public colleges and universities have unique context for restrictions. Its also different from private colleges because public colleges are extensions of the state so them violating the constitution is more controversial.**

# CP: PICs Bad

## 1AR Shell

#### Interp: On the 2017 Jan/Feb topic, the neg must defend that as a general principle, public colleges and universities are permitted to restrict constitutionally protected speech. They may not PIC out of a single category of speech.

#### Violation: They PIC out of X.

#### 1. Reciprocity: the topic limits the aff to a general defense of all kinds of speech, not particular kinds of speech – PICs give the neg infinite different advocacies which create an infinite prep skew – they can evade all aff offense but force me to generate specific offense to an unlimited number of kinds of speech, which is an irresiprocal burden – it makes it much easier for the neg to win because they’ll be better prepped on their specific exceptions.

#### 2. Fiat Abuse: They artificially exclude aff args about overbroad restrictions or the creation a censorship apparatus that can be used for bad purposes too by fiating only this specific category of speech gets limited. That’s key aff ground.

Conor Friedersdorf 15, staff writer at The Atlantic, where he focuses on politics and national affairs, 11-12-2015, "Free Speech Is Indispensable to Fighting Racism," Atlantic, http://www.theatlantic.com/politics/archive/2015/11/race-and-the-anti-free-speech-diversion/415254/

The thorniest question of all: What should be done about the fact that many black students at institutions as different as Yale and the University of Missouri feel that they inhabit campuses with racist climates where they are less welcome than others? Insofar as free speech is invoked during such controversies about racism on university campuses, it is because many leftist activists believe one necessary remedy for racism is for administrators to punish speech that they regard as problematic. But the First Amendment flatly prohibits that remedy at the University of Missouri and at all public institutions. For observers like me, there is tremendous interest in zealously defending that civil right, not only because it protects the vocation that Cobb and I share, but for a reason articulated most powerfully by the ACLU: Free speech rights are indivisible. Restricting the speech of one group or individual jeopardizes everyone's rights because the same laws or regulations used to silence bigots can be used to silence you. Conversely, laws that defend free speech for bigots can be used to defend the rights of civil rights workers, anti-war protesters, lesbian and gay activists and others fighting for justice. For example, in the 1949 case of Terminiello v. Chicago, the ACLU successfully defended an ex-Catholic priest who had delivered a racist and anti-semitic speech. The precedent set in that case became the basis for the ACLU's successful defense of civil rights demonstrators in the 1960s and '70s.

#### They’ll say that I can say this restriction will get misused, but that misses the point – once you have censorship apparatuses, there will be demands to use it for other things and the ability to use the precedent for other things – not offense that they permit.

#### 3. Fair version solves their offense – you can talk about specific kinds of speech by reading evidence about what colleges have on the books and would do with the freedom to regulate speech: that’s also more real world, since no one has control over all college policies.

## Frontlines

### AT Focuses Discussion

#### I’ll impact turn this:

#### 1. A hyper-focused discussion when I have to read a broad aff means a nearly infinite number of counterplans that I’m not going to be prepared for – you won’t get substantive engagement on any one of them

#### 2. It’s artificially focused – the topic lit is broader and people are concerned about the way that particular cases interact with the broader principle, which only I can accsss – this better tracks real discussion and lets me leverage the aff to answer your offense

#### Your strength of link to this argument is also really small – extend that you read these things as disads – if they’re important, then you shouldn’t have any trouble leveraging them; if they’re too minor, then they probably shouldn’t be the focus of the debate anyway.

### AT Only One Advocacy

#### 1. Reciprocal – I only have one too, which means this isn’t unfair.

#### 2. Turn: debating the same issues rather than having people constantly looking for more esoteric skills teaches us to make better arguments and refine our arguments as the topic goes on – constant novelty is constantly superifical since by the time you have answers, people have moved on.

#### 3. Only one advocacy doesn’t make debate stale – reading different framing, different advantages and focusing on particular classes of impacts can produce entirely different rounds

#### 4. People spend their lives on this – there’s more than enough material – I just ensure that people have to explore depth and core areas, which is more educational and teaches us about the real scholarship.

# CP: Exclusive PICs Bad

## 1AR Shell

#### Interpretation: if the neg reads a counterplan that requires restrictions on particular kinds of speech, they may not fiat that only those kinds of speech will be restricted.

#### Violation: They PIC out of X but say no other speech restrictions will occur

#### 1. Fiat Abuse: They artificially exclude aff args about overbroad restrictions or the creation a censorship apparatus that can be used for bad purposes too by fiating only this specific category of speech gets limited. That’s key aff ground.

Conor Friedersdorf 15, staff writer at The Atlantic, where he focuses on politics and national affairs, 11-12-2015, "Free Speech Is Indispensable to Fighting Racism," Atlantic, http://www.theatlantic.com/politics/archive/2015/11/race-and-the-anti-free-speech-diversion/415254/

The thorniest question of all: What should be done about the fact that many black students at institutions as different as Yale and the University of Missouri feel that they inhabit campuses with racist climates where they are less welcome than others? Insofar as free speech is invoked during such controversies about racism on university campuses, it is because many leftist activists believe one necessary remedy for racism is for administrators to punish speech that they regard as problematic. But the First Amendment flatly prohibits that remedy at the University of Missouri and at all public institutions. For observers like me, there is tremendous interest in zealously defending that civil right, not only because it protects the vocation that Cobb and I share, but for a reason articulated most powerfully by the ACLU: Free speech rights are indivisible. Restricting the speech of one group or individual jeopardizes everyone's rights because the same laws or regulations used to silence bigots can be used to silence you. Conversely, laws that defend free speech for bigots can be used to defend the rights of civil rights workers, anti-war protesters, lesbian and gay activists and others fighting for justice. For example, in the 1949 case of Terminiello v. Chicago, the ACLU successfully defended an ex-Catholic priest who had delivered a racist and anti-semitic speech. The precedent set in that case became the basis for the ACLU's successful defense of civil rights demonstrators in the 1960s and '70s.

#### The form of the CP is “do X and never do Y” which is functionally the fiating of infinite things over time – that’s unfair and bad policy scholarship – since power changes over time, that’s not something that any individual can guarantee, which meas that it’s not something any of the literature assumes, which denies key ground.

#### They’ll say that I can say this restriction will get misused, but that misses the point – once you have censorship apparatuses, there will be demands to use it for other things and the ability to use the precedent for other things – not offense that they permit.

#### 2. Reciprocity: the topic limits the aff to a general defense of all kinds of speech, not particular kinds of speech – PICs give the neg infinite different advocacies which create an infinite prep skew – they can evade all aff offense but force me to generate specific offense, by removing access to generic spillover arguments, which is an irresiprocal burden – that give us unequal starting points which denies competitive equity.

#### 3. Fair version solves their offense – you can read this CP but give me spillover arguments

# CP: Universality

## 1AR Shell

#### Interpretation: all categories of speech isolated in the advocacies of either debater must be subject ot unform levels of constitutional protection throughout the entire United States. That is, if some courts think it’s constitutionally protected and others don’t, it’s neither of our ground.

#### Violation:

#### 1. Resolvability: when the different courts rule differently without a clear SCOTUS ruling resolving it’s application it’s not clear whose ground it is – if it’s constitutionally protected, then the aff can protect it and the neg can indict it, but if it’s not then either side can nonunique it and moot all the offense. There’s no mechanism for figuring out who gets it when courts have ruled differently. Resolvability is an independent voter that comes prior to all other voters because values in debate like fairness and education cannot be upheld by the judge if they have no way to make a coherent decision.

#### 2. Limits: there’s there are hundreds of courts and jurists that can all make decisions – under their interp, they just need to find one with an unorthodox interp, which massively magnifies the number of positions I need to be prepped on – since those decisions can be idiosyncratic and checked later, there’s also less likely literature and less liklihood that those decisions are even defensible – this structurally creates too many positions that don’t work.

#### 3. Topic Education: without SCOTUS precedent, these areas are unsettled as legal questions – that means the literature doesn’t have a clear baseline.

#### A. Makes our discussion vacuous: we have to argue foundational questions that we’re not prepared for since it’s not the core topic.

#### B. Overcomplicates: place-by-place application creates a complex patchwork where different conditions in different places lead to different outcomes. There’s just not enough speech time to do a good job with this – we should prefer restrictions that leave you clear places to do relatively in-depth analysis of the policy: debate uses simplifying assumptions like “normal means” to make that possible – this is no different.

# CP: Must Define “Hate Speech”

## 1AR Shell

#### Interpretation: if the neg reads a counterplan that permits restrictions on “hate speech,” either their CP text or their solvency advocate must define the term.

#### Violation: they do not.

#### There’s no lit consensus on what it means and different definitions justify different things. Clarifying makes debates better and makes it possible to apply principles – there’s no principle that justifies all of them.

Mary Kate McGowan 15, Luella LaMer Professor of Women’s Studies as well as Professor of Philosophy at Wellesley College, 9-14-2015, "Review of Alexander Brown, Hate Speech Law: A Philosophical Examination," Notre Dame Philosophical Reviews, http://ndpr.nd.edu/news/60726-hate-speech-law-a-philosophical-examination/

Hate speech is a highly contested category of speech, rich with philosophical complexity and controversy. Hate speech is difficult to define; its harms are contested and its free speech status disputed. In his book, Alexander Brown investigates various potential justifications for various types of legal regulation of various types of hate speech.These multiplicities are one of his themes. There are many different sorts of arguments offered to justify (or prohibit) the regulation of hate speech, and they rely on different values, assumptions and principles. Moreover, some arguments are better suited to certain types of hate speech regulation and/or the justification of the regulation (or the prohibition of the regulation) of certain types of hate speech. Brown is absolutely right about this and he is right to stress it. His book will have an impact and improve the quality of debates about hate speech and its regulation by making these multiplicities more widely recognized. Another main claim of the book is that some clusters of hate speech regulation are warranted with respect to certain principles. In Chapter 3, for example, Brown argues that the regulation of some hate speech is justified with respect to what he calls the Nuanced Principle of Autonomy. In Chapter 4, he argues that some campus speech codes are warranted with respect to what he calls the Nuanced Principle of Truth. Although Brown argues that some clusters of hate speech regulation are warranted with respect to certain principles (or set of principles), he does not (even try to) argue that any clusters of hate speech regulation are warranted with respect to all (36 of) the principles he considers, nor does he say which principles are the right ones. Thus, those readers who want to know whether any hate speech law is warranted (full stop) will have to look elsewhere. The book is admirably broad in its scope. It considers hate speech regulations from all around the globe, viewpoints from all across the political spectrum and arguments from theorists in a variety of fields. This breadth, however, comes at certain costs. Much of the book is descriptive (describing the terrain, who said what and what could be said on behalf of some point) and the evaluative parts of the book are, and indeed must be, quite truncated. As a result, some incredibly complex issues are given extremely brief treatment (e.g., use of the n-word gets a paragraph on p. 168). Of course, given the extremely ambitious nature of the project, some such limitations are inevitable. In the "Introduction", Brown states his main aims: to identify various principled arguments both for and against the regulation of hate speech, to identify different sorts of hate speech regulation, law and code (henceforth I will just say 'regulation') and to offer a theory of how principled conflicts ought to be adjudicated. In Chapter 2 ("Ten Clusters of Laws/Regulations/Codes That Constrain Uses of Hate Speech"), Brown identifies ten (idealized clusters) of hate speech regulation: group defamation, negative stereotyping or stigmatization, the expression of hatred, incitement to hatred, threats to public order, denial laws, dignitary crimes or torts, violation of civil or human rights, expression-oriented hate crimes, and time, place and manner restrictions. He stresses that actual regulations can fall into more than one cluster and some of these regulations do not target hate speech per se (e.g., time, place, and manner restrictions) but are included here since they can be used to regulate instances of hate speech.

#### Impacts –

#### A. Topic Education: debating about them in general leads to shallow debates that don’t let us explore principles and justifications. Prefer academic claims to debaters – they have a wider and deeper knowledge and aren’t incentivized to say whatever they need to win a ballot.

#### B. Aff Ground: without specifying it in the CP they can shift between different definitions by adopting a narrow one to exclude aff offense and then a wider one to solve. Aff ground is uniquely key in PIC debates: they moot almost all the 1AC and force me to generate new offense entirely in the time-crunched 1AR, so anything that makes it harder for me to do that is massively unfair and prevents me from winning.

#### Also controls the internal link to advocacy skills – shifting their advocacy to avoid engagement doesn’t teach us to weigh or understand tradeoffs

## Frontlines

### AT “Debate What it Means”

#### 1. This is a part of your advocacy not some abstract moral question like “what is the meaning of freedom?” – we can debate the moral significance of hate speech and how we should restrict it only if we know what it is – the McGowen evidence is spectacular on this.

#### 2. “Debate what it means” only makes sense if hate speech is definitionally bad and so we’re just figuring out what kinds of speech are bad, BUT that means it’s an incredibly abusive CP that they shouldn’t be allowed to read – it’s functionally “ban bad speech and only bad speech,” which makes it literally impossible to develop offense – when I argue that some kind of speech shouldn’t be restricted, they get to say “that’s not hate speech.”

# Permission AND Obligation Bad

## 1AR Shell

#### Interpretation: On the 2017 Jan/Feb topic, the neg may defend either that public colleges and universities may restrict constitutionally protected speech or that they must. they may not claim both permissibility and obligation as their ground.

#### Violation: They do.

#### The standard is reciprocity: A. this is a 2-1 structural skew since they have two normative categories to win offense to but I only have prohibition, since that’s in the topic. It gives them more outs than I can have. B. it's a form of conditionality: they can delink my offense to one of those categories by shifting to the other after I’ve made the time to make those arguments, which wastes 1AR time and lets the 2N collapse to the less covered layer. Reciprocity is key to fairness – irreciprocal practices give us unequal starting points which denies competitive equity.

# Condo Bad

#### Interpretation: the neg may only have one advocacy and that advocacy must be unconditional. To clarify, no advocacies that they can kick out of for any reason, or say that the status quo is an option.

#### Violation:

#### First, reciprocity – I’m tied to the aff and have to defend it no matter what, but they have the flexibility to choose among multiple options and choose whichever one I spent the least time on afterwards – that’s an advantage I don’t have access to, which is irreciprocal and so unfair – it creates burdens that are easier for you to win with.

#### Second, time skew: the 1AR is really, really short – 4 minutes just isn’t enough time to answer multiple layers and defend the entire aff, especially when some of those layers can contain different evaluative mechnisms and you usually need to read evidence to answer a bunch of those layers. In policy, you get to read 8 minutes of specific offense in the 2AC and the 1AR has to apply it, do weighing and and maybe read a card or two – there just isn’t time for it. That doesn’t translate to LD. Other impacts:

#### A. Clash: negating just becomes about tossing stuff out there and waiting for the aff ot drop it – not education about the specifics of any positions since you just kick them and I’m incenticized to cover each as little as possible.

#### B. Time Skew: this comes first – time skew is the only objectively evaluable standard and controls the internal link to other things since we can’t make arguments even with time.

Multiple rounds and multiples disads solve depth and neg strategy.

## Frontlines

### AT Apply the Aff

#### 1. They get to pick positions knowing the content of the aff – obviously they have an incentive to make sure that the aff is as unuseful as possible in answering them.

#### 2. Still irreciprocal because their evidence is reactive and going to be specific, but they structure the burdens of the 1AR such that I can’t read specific evidence on anything – I’ll always be behind

#### 3. This is a ridiculous expectation – if you thought that about policy you wouldn’t give them a 2AC at all, but obviously without it, aff win percentages would plummet.

#### 4. Can’t preempt everything – that trades off with the time we can spend developing stuff that can actually win on substance.

### AT Infinite Pre-Round Prep

#### 1. Time outweighs – this was the B point – we need to have time to deploy whatever prep we come up with, which condo prohibits

#### 2. This topic has one aff advocacy, which means the neg has infinite pre-round prep time too: that means that even if condo is generally good, you should reject it on this topic because it gives the neg and advantage in the context where we have prep time parity.

### AT Strategic Thinking

#### 1. Debate is a game – our skill-based learning takes place in a context where superiority is rewarded with the ballot – that means that there needs to be parity, but condo makes it much easier for you and much harder for me –

#### 2. Infinitely regressive: every abusive practice can be justified as forcing you the other person to do more strategic thiking

#### 3. Time outweighs – there’s just not the time to make the required arguments, even if I have some clever ones.

### AT Breadth

#### 1. WE don’t get any education when I don’t have the time to read prep and engage – you incentivize cheap shot tricks and theoretical uplayering, which don’t get any educational benefit.

#### 2. Depth inevitable over multiple debates – prioritize depth since one round is the only chance to get it – every future debate starts from square one.

### AT First Speech/Last Speech

#### 1. The last speech depends on what I can get out of the middle speech – flow judges expect me to respond to your arguments or I won’t win – there’s nothing that having the last speech can do in a world where the first speech is a train wreck

#### 2. First speech is part of the problem – you get to be exactly responsive but I need to predict from generalities – I’ll always be behind.

### AT Aff Gets Multiple Perms

#### That’s not the same because perms aren’t advocacies, they are tests of competition so I don’t link all of my offense to the Perm text and then just kick out of it like you do the CP.

#### That’s Self-imposed because some couterplans just are competitive, which means you can just sweep away perms really quickly

#### 6 minute 2NR vs 4 minute 1AR justifies giving the Aff more leeway—the 2N only has to answer 4 minutes while the 1A needs to answer 7 minutes.

### AT I can Kick the Aff

#### Huge distinction between advocacy and arguments—if you have link turns to the Aff advantage they are still offense for you unless you also put defense on the impact, whereas even unique and impacted turns to a CP are not offense if its kicked.

# Advocacy Text

## 1AR Shell

#### Interpretation: On the 2017 Jan/Feb topic, the neg must read an explicit advocacy text in the NC in which they delineate the kinds of speech that they defend restricting and whether they justify a permission or obligation to do so.

#### Violation: they don’t have any such text in the 1N.

#### Prefer – There are virtually infinite kinds of speech and there are meaningful differences in the size of my link based on their normative status. It lets them shift in the next speech to exclude any subset of speech I win turns to. And, without a text, they aren’t held to defend categories at all – they can kick anything. Impacts:

#### 1. 1AR Ground: The 1AR is too short to cover everything the 1N does in 7 minutes – the best 1ARs have to collapse on issues and weigh them against other offense, but they make that impossible, so the aff can never win. Prefer structural arguments: they’re grounded in the inherent features of the activity. [And, generic time skew arguments aren’t responsive – I’m making a specific claim about how blocks of time are allocated]

#### 2. Reciprocity: They functionally get infinite condo but I’m tied to my advocacy, which gives them an advantage. They can clearly link disads and force me to defend advantages but can delink all of mine. Key to fairness – irreciprocal practices give us unequal starting points which denies competitive equity.

#### 3. Advocacy Skills: their interp encourages delinking rather than engaging. My interp gives us a stable basis which we spend more time weighing arguments and clashing on their content – that accesses the unique skills of having a round rather than reading and prepares us to be good advocates in the real world.

#### [If condo is good, then they can read multiple conditional ones – clarity about our burdens and what counts as offense is a net benefit to my interp and condo good isn’t a disad to it]

## Frontlines

### AT CX Checks

#### 1. An NC advocacy text is better because we can hold you to it, whereas the details of a CX exchange aren’t memorized by everyone – the ability to call for the text is a net benefit

#### 2. Clarification in the aff takes seconds, a CX exchange creates the opportunity for evasion that takes multiple minutes a lot of the time as people ask for clarification and otherwise stall.

#### 3. Nonunique: we can do both – as long as I win some risk of a benefit, you should have.

#### 4. CX is for remedying any flaw with your aff – you should make it clear what your advocacy does – their interp justifies an advocacy text of “Plan: do something” that expects CX clarification

### AT No Text → All Kinds

#### 1. Doesn’t solve – defending all kinds of speech doesn’t take a stance on whether regulations are permissible or obligatory, which still lets you mitigiate links and delink offense, especially in framework-heavy rounds. [It doesn’t matter if you didn’t read one, the fact that you take that ground away from *me* is bad too].

#### 2. Use competing interpretations – it’s not a question of in-round skew but a model for the topic – theirs is awful since the neg is now obligated to defend a claim like “public colleges and universities MUST restrict students rights to nonviolently and nondisruptively say ‘racism is bad’.” The aff wins that debate every time – it’s not educational and its also unfair to the neg to have such bad ground – a much worse harm than having to have an advocacy text

#### [If that’s their model, just vote aff – their structural violence arguments would say that that’s bad, and it’s a much more pervasive regulation – it affects more people, less debatable speech and has openly authoritarian implications. That outweighs other offense…]